IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NOs : 4368 and 4688 of 2005

Writ petition no. 4368 of 2005

Between:

S. Laxminarayana Gupta, S/o. Venkat Ramaiah Shetty,
Main Road, Chinnagottigallu, Chittoor District.

..... PETITIONER

AND

1 The Station House Officer, Atmakur-S Police Station,
Nalgonda district.
2 The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the 1st respondent in seizing the 200 bags of Black Jaggery under Crime No. 46/2002 as illegal, arbitrary and consequently direct the respondents herein to release the said stocks and pass such other order or orders as are deemed fit and proper in the interest of justice.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR HOME and G.P. for Prohibition and Excise.

WRIT PETITION NO : 4688 of 2005

Between:

K. Srinivasa Murthy S/o. Gattaiah Setty,
Prop. Sivakrupa Traders, Main Road, Mandi Merchant, Chittoor, Chittoor District.

..... PETITIONER

AND

1 The Sub-Inspector of Police, Garidepally P.S., Nalgonda District.
2 The Deputy Commissioner of Proh. and Excise, Mahaboobnagar Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the action of the 1st respondent in seizing the 200 bags of Black Jaggery under Cr.No. 76/2002 as illegal, arbitrary and consequently direct the respondents herein to release the said stocks in favour of the petitioner, and pass such other order or orders as are deemed fit and proper in the interest of Justice.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE and G.P. for Home

The Court made the following :

ORDER:.

Heard.

These two writ petitions are filed for issuance of writ particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in seizing the 200 bags of Black Jaggery, as illegal and arbitrary.

It is represented by the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise that similar matters have been

disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders, in accordance with law.

In the circumstances, the Writ Petitions are disposed of, granting liberty to the petitioner to make an appropriate application before the second respondent herein, for release of the seized goods, within a period of two weeks from today. If such an application is made, the second respondent is directed to consider and dispose of the same, on furnishing bank guarantee of the value of the goods, as determined by him, in accordance with law, within a period of two weeks from the date of receipt of such application form the petitioner. No order as to costs.

However, the learned Government Pleader expressed an apprehension that whether the material confiscated i.e., black jaggery is available as on date or not as the said confiscation was conducted in the year 2002. Therefore, having regard to the said apprehension and the information that is forthcoming from the Government Pleader, it is clarified that the above order would be subject to the availability of the balck jaggery, confiscated in the year 2002, as on today.

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D.S.R. VARMA, J

DATED: 10.03.2005

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Note: Furnish copy in two days.

To

1. The Station House Officer, Atmakur-S Police Station,
   Nalgonda district.
2. The Sub-Inspector of Police, Garidepally P.S., Nalgonda District.
3. The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.

4. 2 CCs to G.P. for Prohibition and Excise, High Court of A.P., Hyderabad. (OUT)

5. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad (OUT)

6. 2 CD Copies.